

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
MARTIN PEREBAL CHUMIL, individually and on :
behalf of all others similarly situated, :

Plaintiff, :

-v- :

OPEN KITCHEN 33, LLC. d/b/a OPEN KITCHEN :
and JOHN DOE a/k/a JASON, as individuals, :

Defendants. :
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21 Civ. 5085 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

The Complaint in this action was filed on June 9, 2021. Dkt. 1. Defendants have not appeared in this action, and the docket does not reflect whether Defendants have been served. Pursuant to Federal Rule of Civil Procedure 4(m), “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m).

Plaintiff is ordered to file a status letter by November 12, 2021, describing (1) whether service of the summons and Complaint has been made on Defendants, and (2) if service has not been effected on Defendants, whether Plaintiff requests an extension of time to serve Defendants. If Plaintiff requests an extension of time to effect service, he shall include in his letter an explanation of why there is good cause to excuse his failure to serve Defendants within the 90-day deadline set by Rule 4(m). *See* Fed. R. Civ. P. 4(m) (“[I]f the plaintiff shows good cause for the failure, the

court must extend the time for service for an appropriate period.”). If service of the summons and Complaint has been made on Defendants, Plaintiff must file proof of service on the docket no later than November 12, 2021.

SO ORDERED.

Dated: October 29, 2021
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", is written above a horizontal line.

JOHN P. CRONAN
United States District Judge